

# EXHIBIT C

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: :  
: Docket #1:20-cv-08924-  
: CM  
NEW YORK CITY POLICING  
DURING SUMMER 2020 :  
DEMONSTRATIONS :  
: New York, New York  
March 4, 2022  
Defendant. :  
: TELEPHONE CONFERENCE  
----- :

PROCEEDINGS BEFORE  
THE HONORABLE GABRIEL W. GORENSTEIN,  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff,  
People of the State  
of New York:

NYS OFFICE OF THE ATTORNEY GENERAL  
BY: LILLIAN MARIE MARQUEZ, ESQ.  
28 Liberty Street  
New York, NY 10005

For Plaintiff, Adam  
Gray:

WYLIE STECKLOW PLLC  
BY: WYLIE M. STECKLOW, ESQ.  
111 John Street, Suite 1050  
New York City, NY 10038

For Plaintiffs, Adama  
Sow, Krystin Hernandez,  
And Ryan Minett:

COHEN & GREEN P.L.L.C.  
BY: REMY GREEN, ESQ.  
1639 Centre Street, Suite 216 11385  
Ridgewood, NY 11207

Transcription Service: Carole Ludwig, *Transcription Services*  
155 East Fourth Street #3C  
New York, New York 10009  
Phone: (212) 420-0771  
Email: [Transcription420@aol.com](mailto:Transcription420@aol.com)

APPEARANCES - Continued:

For the Payne plaintiffs: NEW YORK CIVIL LIBERTIES UNION  
BY: DANIEL ROSS LAMBRIGHT, ESQ.  
125 Broad Street, Ste. 19  
New York, NY 10004

For the Sierra plaintiffs: RICKNER PLLC  
BY: ROBERT HOWARD RICKNER, ESQ.  
14 Wall Street, Suite 1603  
New York, NY 10005

For Plaintiff, Cameron  
Yates: STOLL, GLICKMAN & BELLINA, LLP  
BY: ANDREW BRIAN STOLL, ESQ.  
300 Cadman Plaza West, 12th Fl.  
Brooklyn, NY 11201

For Plaintiff, Charles H.  
Wood: KAUFMAN LIEB LEBOWITZ & FRICK  
BY: ALISON ELLIS FRICK, ESQ.  
10 E. 40th Street Suite 3307  
New York, NY 10016

For Defendants: NEW YORK CITY LAW DEPARTMENT  
BY: JENNY SUE-YA WENG, ESQ.  
GENEVIEVE NELSON, ESQ.  
AMY ROBINSON, ESQ.  
100 Church Street Room 3-173b  
New York, NY 10007

Proceedings conducted telephonically and recorded by  
electronic sound recording;  
Transcript produced by transcription service

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## PROCEEDINGS

16

have to -- I mean, I think the better thing, perhaps, Mx. Green, is just to wait a day or two, business day or two.

MX. GREEN: Yes. I think that that makes sense. I mean, the only thing we were afraid of is, you know, the issues on the back end. But --

THE COURT: No, I understand. We have to deal with the issues on the back end.

What's going on with the depositions in terms of right now how many are scheduled, unscheduled, what's going on?

MS. MARQUEZ: Your Honor, this is Lillian Marquez from the AG's office, if I may speak to that issue?

THE COURT: Go ahead.

MS. MARQUEZ: So, as of late, Chief Gallotti, who was scheduled for February 3rd and 4th, and Chief Steven Hughes, scheduled for March 3rd and March 4th, were cancelled by the City, as was Chief O'Reilly, who was set to go for March, I believe, 8th, and was actually moved to March 11. The concern that plaintiff has is that the Court ordered the defendants to schedule these higher-level depositions and to limit any last-minute schedule changes to circumstances that made participation in a deposition essentially impossible. However, the explanations that the

1  
2 City has given, when they have given it, do not meet that  
3 criteria. So for Chief Gallotti the explanation was that  
4 he was participating in an NYPD-wide event on dates that  
5 were not coinciding with his deposition. Apparently, the  
6 cancellation was due because the City could not schedule  
7 him -- excuse me -- prepare him, and perhaps because they  
8 were delaying the preparation until just a day or two  
9 before the scheduled depositions.

10 And then for Chief Steven Hughes, just on  
11 March 1st this week the City, specifically, Ms. Robinson,  
12 emailed plaintiffs stating simply that they needed to  
13 schedule the deposition, that only upon question for a  
14 reason stated we are not prepared to go forward with a two-  
15 day deposition.

16 So it's plaintiff's position that these  
17 explanations that a lack of preparation as a reason for  
18 cancelling unilaterally and last minute these depositions  
19 is not in line with the Court's order back in December. So  
20 these need to be real based, and we just need to make sure  
21 that we're trying to keep as many dates as we can, even  
22 with the potential for an extension.

23 THE COURT: What are the numbers in terms of  
24 things that have been scheduled in the future?

25 MS. MARQUEZ: So there's -- I don't have exactly

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PROCEEDINGS

18

the number -- there's about, I would say, about twenty.  
But then there's a number of depositions which the City has  
refused to schedule on the basis that the current schedule  
does not allow it and that they will not schedule it unless  
and until there is an extension. And the number of those  
depositions that have not been scheduled number around 15.

THE COURT: So the current date is April 22nd for  
the cutoff, is that right?

MS. ROBINSON: Correct, your Honor.

MS. MARQUEZ: I believe that's correct, your  
Honor.

THE COURT: Okay. So there's twenty scheduled for  
April 22nd?

MS. MARQUEZ: Approximately. And I apologize for  
not having the exact number.

THE COURT: Okay. And there's another --

MS. ROBINSON: There are about fifty in total,  
your Honor. This is Amy Robinson for defendants.

THE COURT: Fifteen through April 22nd?

MS. ROBINSON: No. There are five-zero in total  
being taken, and before April 22nd there are 29.

THE COURT: So 29 scheduled for April 22nd?

MS. ROBINSON: Yes.

THE COURT: Okay, and you think there's an

1  
2 additional how many?

3 MS. MARQUEZ: That are being scheduled, your  
4 Honor?

5 MS. ROBINSON: There are -- there are a total of  
6 about fifty, all told.

7 THE COURT: Does that mean -- I don't know how  
8 many you've already done. So are you trying to tell me  
9 that there are 21 that remain to be scheduled? I'm just  
10 looking for a number, if you know it.

11 MS. ROBINSON: There's 14 on the -- in terms of  
12 higher-level depositions that are yet to be scheduled, not  
13 including some of the ones -- so Chief Steven Hughes still  
14 needs a few more dates, as well, and Gallotti. So that  
15 puts it at about 16 that needs to be scheduled.

16 MS. NELSON: Your Honor, this is Ms. Nelson. I  
17 think in addition to the high-level depositions, there are  
18 also depositions in single matters, as well, like the Gray  
19 depositions are going forward, as well as depositions in  
20 Sow.

21 THE COURT: They're going forward before  
22 April 22nd, or -- and they're not included in the 29 that  
23 were just mentioned? Or they're included --

24 MS. NELSON: Ms. Robinson, were they included in  
25 the --

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. ROBINSON: I'm not really sure of the -- I don't have -- I don't believe that I have any Gray plaintiffs in my list.

Your Honor, I'm doing mostly the 30(b)(6) higher-up depositions, so I'm afraid I'm looking at that list, and I don't have the total list of depositions, including, you know, the Gray plaintiffs, for example.

MS. NELSON: So the number of depositions that are proceeding --

MS. ROBINSON: Are much higher.

MS. NELSON: -- for April 22nd is higher than that number that Ms. Robinson just quoted to you.

THE COURT: Okay.

MX. GREEN: Your Honor, this is Remy Green. In Hernandez, for example, we've served notice. And they may be counting those. We haven't had a response to our notice yet, and so those aren't on the schedule. But they might be part of what they're counting. It may also be that they're counting days as opposed to deponents, and that might account for some of the discrepancies.

UNIDENTIFIED: We are not. For example, the deposition on Monday is, I think, on the Yates case.

MS. NELSON: Right. And, your Honor, just --

THE COURT: Go ahead.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## PROCEEDINGS

21

MS. NELSON: Just so that you know, before the high-ranking depositions began, plaintiffs requested and defendants agreed to two-day depositions for 14 deponents, which means 14 extra days of depositions and 14 extra days of prep. So that has gone a long way into preventing us from meeting the April 22nd deadline, as well.

THE COURT: Okay. I've already set up and allowed some slippage in that deadline, so the City should be scheduling depositions certainly through May 22nd. All right? So that should not be a basis for not scheduling a deposition, Ms. Robinson; do you understand that?

MS. ROBINSON: I missed that, your Honor. We should not be not scheduling through what date?

THE COURT: You should be scheduling through at least through May 22nd, for sure.

MS. ROBINSON: Okay. Okay. I was not aware of that. We could probably be scheduling through June 22nd, to be honest with you.

THE COURT: Well, I don't know that I'm giving you till June 22nd.

MS. ROBINSON: Understood.

THE COURT: But at least start. I mean, you can -- I assume you can do more depositions on more than one day; am I right about that?

PROCEEDINGS

59

C E R T I F I C A T E

I, Carole Ludwig, certify that the foregoing transcript of proceedings in the case of In Re: New York City Policing During Summer 2020 Demonstrations, Docket #20-cv-08924-CM, was prepared using digital transcription software and is a true and accurate record of the proceedings.

Signature Carole Ludwig

Carole Ludwig

Date: March 4, 2022